

3582,APPEAL,APPEAL\_NAT,CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Brownsville)  
CRIMINAL DOCKET FOR CASE #: 1:12-cr-00064-2  
Internal Use Only**

Case title: USA v. De La Cruz et al

Date Filed: 01/31/2012

Date Terminated: 06/16/2013

Assigned to: Judge Andrew S. Hanen

**Defendant (2)****Luis Alberto Hernandez-Garcia***TERMINATED: 06/16/2013*represented by **Hector F Garza**

Federal Public Defender

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*TERMINATED: 03/08/2012*

*ATTORNEY TO BE NOTICED*

*Designation: Public Defender or Community  
Defender Appointment*

### **Pending Counts**

Ct. 1: Conspiracy to possess with intent to  
distribute more than 5 kilograms of cocaine; 21  
USC 846, 841(a)(1), and 841(b)(1)(A)  
(1)

Ct. 2: Possession with intent to distribute more  
than 5 kilograms of cocaine; 21 USC 841(a)(1)  
and 841(b)(1)(A) and 18 USC 2  
(2)

Ct. 3: Possession with intent to distribute more  
than 100 kilograms of marihuana; 21 USC 841  
(a)(1) and 841(b)(1)(B) and 18 USC 2  
(3)

### **Highest Offense Level (Opening)**

Felony

### **Terminated Counts**

None

### **Highest Offense Level (Terminated)**

None

### **Complaints**

None

### **Disposition**

Dismissed on Govts ORAL motion.

Ct.2 - CBOP: 140 months; SRT: 5 yrs w/o  
supervision; SA: \$100 remitted, Fine waived.

Ct.3 - CBOP: 140 months; SRT: 4 yrs w/o  
supervision; SA: \$100 remitted, Fine waived.

### **Disposition**

### **Disposition**

### **Plaintiff**

USA

represented by **Appellate Division**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**US Marshal - B**  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**US Pretrial Svcs-Br**  
*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**US Probation - B**

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

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*ATTORNEY TO BE NOTICED*







Date Filed	#	Docket Text
03/07/2012	<a href="#"><u>10</u></a>	Partially un-sealed INDICTMENT (originally filed on 1/31/12). (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Luis Alberto Hernandez-Garcia (2) count(s) 1, 2, 3, filed. (megarcia) Modified on 3/7/2012 (megarcia, ). (Entered: 03/07/2012)
03/07/2012	<a href="#"><u>11</u></a>	US Attys Criminal Docket Sheet (originally filed on 1/31/12) as to Luis Alberto Hernandez-Garcia, filed. (megarcia) (Entered: 03/07/2012)
03/07/2012	<a href="#"><u>12</u></a>	MOTION to Seal Indictment (originally filed on 1/31/12) by USA as to Luis Alberto Hernandez-Garcia, filed. (megarcia) (Entered: 03/07/2012)
03/07/2012	<a href="#"><u>13</u></a>	ORDER granting <a href="#"><u>12</u></a> Motion to Seal Indictment (originally filed on 1/31/12) as to Luis Alberto Hernandez-Garcia (2).(Signed by Magistrate Judge Felix Recio) Parties notified. (megarcia) (Entered: 03/07/2012)
03/07/2012	<a href="#"><u>14</u></a>	ORDER for Issuance of Warrant and Setting Amount of Bail (originally filed on 1/31/12) as to Luis Alberto Hernandez-Garcia. (Signed by Magistrate Judge Felix Recio) Parties notified. (megarcia) (Entered: 03/07/2012)
03/07/2012		Minute Entry for proceedings held before Magistrate Judge Felix Recio: INITIAL APPEARANCE on Indictment Warrant as to Luis Alberto Hernandez-Garcia held on 3/7/2012. Defendant's First Appearance; advised of charges and rights. Defendant declined to be examined by Pretrial Services Agency. Defendant requests court appointed counsel. The Court appoints the Federal Public Defender to represent the Defendant. Arraignment set for 3/12/2012 at 10:00 AM in Courtroom 1 before Magistrate Judge Felix Recio. Defendant held without bond. Detention Hearing set for 3/12/2012 at 10:00 AM in Courtroom 1 before Magistrate Judge Felix Recio. Defendant remanded to the custody of the US Marshal. Appearances:AUSA Joseph Leonard, USPO-B, PSAO-B, US Marshal-B.(ERO: S. Bejarano) (Interpreter:K Pena) (10:04-10:14 am)(jtabares, ) Modified on 3/9/2012 (jtabares, ). (Entered: 03/07/2012)





03/07/2012	<a href="#"><u>15</u></a>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER for Luis Alberto Hernandez-Garcia.( Signed by Magistrate Judge Felix Recio) Parties notified. (dnoriega, ) (Entered: 03/07/2012)
03/07/2012	16	NOTICE OF ATTORNEY APPEARANCE Hector F Garza appearing for AFPD as to Luis Alberto Hernandez-Garcia, filed.(Garza, Hector) (Entered: 03/07/2012)
03/08/2012		Attorney update in case as to Luis Alberto Hernandez-Garcia. Attorney Federal Public Defender - Brownsville terminated. (megarcia) (Entered: 03/08/2012)
03/09/2012	<a href="#"><u>18</u></a>	NOTICE OF RESETTING as to Luis Alberto Hernandez-Garcia. Arraignment set for 3/12/2012 at 09:00 AM in Courtroom 1 before Magistrate Judge Felix Recio Detention Hearing set for 3/12/2012 at 09:00 AM in Courtroom 1 before Magistrate Judge Felix Recio, filed. (jtabares, ) (Entered: 03/09/2012)
03/12/2012		Minute Entry for proceedings held before Magistrate Judge Felix Recio: ARRAIGNMENT as to Luis Alberto Hernandez-Garcia (2) Count 1,2,3 held on 3/12/2012; Deft waives reading of the Indictment and enters a PLEA OF NOT GUILTY; Scheduling Order dates orally given to all parties, DETENTION HEARING as to Luis Alberto Hernandez-Garcia held on 3/12/2012; All parties have received a copy of the Pretrial Service Report; After hearing arguments, the Court finds the deft to be a risk of flight; the defendant has no legal status and short of detention there is no condition or combination of conditions to assure the defendants appearance in Court and orders the defendant held without bond. Defendant remanded to the custody of the US Marshal. Appearances:AUSA Angel Castro, Arturo Vasquez standing in for Hector Garza, AFPD USPO-B, PSAO-B, US Marshal-B.(ERO: D. Ahumada) (Interpreter:S. Cortez)(9:04-9:07 am) (jtabares, ) (Entered: 03/12/2012)
03/12/2012	<a href="#"><u>19</u></a>	SCHEDULING ORDER as to Luis Alberto Hernandez-Garcia. Motion Filing due by 3/26/2012 Responses due by 4/9/2012; Docket Call & Final Pretrial Conference set for 4/24/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen Jury Selection set for 4/26/2012 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen Motion Hearing set for 4/12/2012 at 09:00 AM in Courtroom 2 before Magistrate Judge Ronald G. Morgan.( Signed by Magistrate Judge Felix Recio) Parties notified. (dnoriega, ) (Entered: 03/12/2012)
03/12/2012	<a href="#"><u>20</u></a>	ORDER OF DETENTION PENDING Trial as to Luis Alberto Hernandez-Garcia. (Signed by Magistrate Judge Felix Recio) Parties notified. (megarcia) (Entered: 03/12/2012)
03/12/2012	 <a href="#"><u>21</u></a>	Pretrial Services Report (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (aramirez, ) (Entered: 03/12/2012)
03/26/2012	<a href="#"><u>29</u></a>	MOTION for List of Witnesses by Luis Alberto Hernandez-Garcia, filed. (Attachments: # <a href="#"><u>1</u></a> Proposed Order)(Garza, Hector) (Entered: 03/26/2012)
03/26/2012	<a href="#"><u>30</u></a>	MOTION for Jencks Act Material by Luis Alberto Hernandez-Garcia, filed. (Attachments: # <a href="#"><u>1</u></a> Proposed Order)(Garza, Hector) (Entered: 03/26/2012)
03/26/2012	<a href="#"><u>31</u></a>	MOTION for Discovery by Luis Alberto Hernandez-Garcia, filed. (Attachments: # <a href="#"><u>1</u></a> Proposed Order)(Garza, Hector) (Entered: 03/26/2012)
04/11/2012	<a href="#"><u>32</u></a>	MOTION for Waiver Motions Hearing by Federico De La Cruz as to Federico De La Cruz, Luis Alberto Hernandez-Garcia, filed. (Dominguez, Alejandro) (Entered: 04/11/2012)
04/11/2012	<a href="#"><u>33</u></a>	ORDER granting <a href="#"><u>32</u></a> Motion for Waiver as to Federico De La Cruz (1), Luis Alberto Hernandez-Garcia (2). (Signed by Magistrate Judge Ronald G. Morgan) Parties notified. (megarcia) (Entered: 04/12/2012)
04/12/2012		Minute Entry for proceedings held before Magistrate Judge Ronald G. Morgan:

		Defendant consents to Magistrate ruling on all non-dispositive motions. MOTION HEARING as to Luis Alberto Hernandez-Garcia held on 4/12/2012. re <a href="#">30</a> MOTION for Jencks Act Material-GRANTED, <a href="#">31</a> MOTION for Discovery-GRANTED, <a href="#">29</a> MOTION for List of Witnesses-GRANTED. Possible request for continuance forthcoming. Defendant remanded to the custody of the U.S. Marshal. Appearances: Angel Castro, AUSA; Hector Garza f/dft. (USPO: Eduardo Campos)(ERO:Dori Noriega)(Interpreter:Ignacio Barrientos)(DUSM: Joey Castro)(bvasquez)[9:30 - 9:31 AM] (Entered: 04/12/2012)
04/12/2012	<a href="#">34</a>	Oral ORDER granting <a href="#">29</a> Motion for List of Witnesses as to Luis Alberto Hernandez-Garcia (2); granting <a href="#">30</a> Motion for Jencks Act Material as to Luis Alberto Hernandez-Garcia (2); granting <a href="#">31</a> Motion for Discovery as to Luis Alberto Hernandez-Garcia (2). (by Magistrate Judge Ronald G. Morgan.) Parties notified.(bvasquez, ) (Entered: 04/12/2012)
04/23/2012	 <a href="#">35</a>	Sealed Event, filed. (With attachments) (Entered: 04/23/2012)
04/24/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:K.Betancourt, AUSA; H.Garza, AFD f/deft; S.Espinosz, USPO(duty); (Court Reporter: Barbara Barnard);(Interpreter:K.Pena)(08:47-08:50) PRETRIAL CONFERENCE as to Luis Alberto Hernandez-Garcia held on 4/24/2012. <a href="#">35</a> Sealed Event-GRANTED. Waiver of Speedy Trial Limits signed and filed. Pursuant to the provisions of Speedy Trial Act in granting this motion finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. Final Pretrial Conference set for 6/26/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 6/28/2012 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen. Deft remanded to the custody of USM., filed.(csustaeta, ) (Entered: 04/24/2012)
04/24/2012		ORAL ORDER as to Luis Alberto Hernandez-Garcia GRANTING <a href="#">35</a> Sealed Event. (by Judge Andrew S. Hanen) Parties notified. (csustaeta, ) (Entered: 04/24/2012)
04/24/2012	<a href="#">38</a>	WAIVER of Speedy Trial Limits by Luis Alberto Hernandez-Garcia, filed.(dnoriega, ) (Entered: 04/24/2012)
06/26/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:J.Young, AUSA; A.Dominguez, Atty f/deft 01; H.Garza, AFD f/deft 02; V.Smith, USPO(duty);(Court Reporter: Barbara Barnard);(Interpreter:K.Pena) (08:53-08:54) PRETRIAL CONFERENCE as to Federico De La Cruz, Luis Alberto Hernandez-Garcia held on 6/26/2012. Deft's oral motion for continuance is GRANTED w/o objection from Govt. Final Pretrial Conference set for 7/31/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 8/2/2012 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen. Deft remanded to the custody of USM., filed.(csustaeta, ) (Entered: 06/26/2012)
07/31/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:A.Castro,AUSA; A.Dominguez, Atty f/deft 01; H.Garza, AFD f/deft 02; G.Manriquez, USPO(duty);(Court Reporter: Barbara Barnard); (Interpreter:I.Barrientos)(09:21-09:23) PRETRIAL CONFERENCE as to Federico De La Cruz, Luis Alberto Hernandez-Garcia held on 7/31/2012. Deft's oral motion for continuance is GRANTED w/o objection from Govt. Final Pretrial Conference set for 8/28/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 8/30/2012 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen. Deft remanded to the custody of USM., filed.(csustaeta, ) (Entered: 07/31/2012)
08/28/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen Appearances: AUSA Angel Castro, Hector Garza f/deft. USPO: M.Garcia; (Court Reporter: Barbara Barnard); (Interpreter: Ignacio Barrientos) (09:28-09:54) RE-ARRAIGNMENT held on 8/28/2012 as to Luis Alberto Hernandez-Garcia. Deft sworn in. Deft enters PLEA



		OF GUILTY to Count(s) 3 of the Indictment. Plea Agreement: No Plea Agreement (Cold Plea). Order for PSI setting Disclosure & Sentencing dates given orally to all parties. Sentencing set for 12/3/2012 at 8:30 AM. Deft remanded to custody of USM. (csustaeta, ) (Entered: 08/28/2012)
08/28/2012		**Terminate Deadlines and Hearings as to Luis Alberto Hernandez-Garcia: (csustaeta, ) (Entered: 08/28/2012)
08/28/2012	<a href="#">40</a>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Luis Alberto Hernandez-Garcia. PSI Completion due by 10/15/2012. Objection to PSI due by 10/29/2012. Final PSI due by 11/13/2012. Sentencing set for 12/3/2012 at 08:30 AM before Judge Andrew S. Hanen( Signed by Judge Andrew S. Hanen) Parties notified. (csustaeta, ) (Entered: 08/28/2012)
09/21/2012		US ATTORNEY'S NOTICE OF APPEARANCE. Karen F Betancourt appearing for USA, filed.(Betancourt, Karen) (Entered: 09/21/2012)
09/21/2012	<a href="#">41</a>	MOTION for Separate Trial on Counts Federico De La Cruz (1) Count 1,2 and Luis Alberto Hernandez-Garcia (2) Count 1,2 by USA as to Federico De La Cruz, Luis Alberto Hernandez-Garcia, filed. (Attachments: # <a href="#">1</a> Proposed Order)(Betancourt, Karen) (Entered: 09/21/2012)
09/24/2012	<a href="#">42</a>	NOTICE OF SETTING as to Federico De La Cruz, Luis Alberto Hernandez-Garcia - regarding <a href="#">41</a> MOTION for Separate Trial on Counts Federico De La Cruz (1) Count 1,2 and Luis Alberto Hernandez-Garcia (2) Count 1,2. Pretrial Conference set for 9/25/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, ) (Entered: 09/24/2012)
09/25/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances: Karen F Betancourt,AUSA; Alejandro Dominguez,Atty f/deft 01; Hector F Garza,AFPD f/deft 02; (USPO: C.Senteno);(ERO:R.Nieto); (Interpreter:S.Cortez) (09:13-09:15). PRETRIAL CONFERENCE as to Federico De La Cruz, Luis Alberto Hernandez-Garcia held on 9/25/2012 as to COUNT 1 and COUNT 2. Waivers and finding were made on 04/24/12. Deft's oral motion for continuance is GRANTED w/o objection from Govt. Final Pretrial Conference set for 11/27/2012 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. Jury Selection set for 11/29/2012 at 09:00 AM in Courtroom 6 before Judge Andrew S. Hanen. Deft remanded to the custody of USM., filed.(csustaeta, ) (Entered: 09/25/2012)
10/04/2012	<a href="#">43</a>	ORDER entered as to Federico De La Cruz, Luis Alberto Hernandez-Garcia. This Court hereby suspends the preparation of the Pre-sentence Report until the resolution of Counts 1 and 2. At that time, the Court will institute a new schedule. (Signed by Judge Andrew S. Hanen) Parties notified. (megarcia) (Entered: 10/05/2012)
10/04/2012		**Terminate Deadlines and Hearings as to Federico De La Cruz, Luis Alberto Hernandez-Garcia: (megarcia) (Entered: 10/05/2012)
11/27/2012		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:A.Castro,AUSA; H.Garza, AFPD f/deft; M.Rodriguez, USPO(duty); (ERO:M.Perez); (Interpreter:S.Cortez)(09:07-09:10/ 11:23-11:51) RE-ARRAIGNMENT held on 11/27/2012 as to Luis Alberto Hernandez-Garcia (2) Count 2. Deft sworn in. Deft enters plea of Guilty to Count 2 to the Indictment. Plea agreement: WRITTEN. Order for PSI setting Disclosure & Sentencing dates given orally to all parties. Terminate other settings and motions for Deft. Sentencing set for 3/4/2013 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. OTHER PROCEEDING: Court notified the Probation Duty Officer that the preparation of the PSI as to Count 3 is to follow the schedule as to Count 2. Deft remanded to the custody of USM., filed.(csustaeta, ) (Entered: 11/27/2012)
11/27/2012		**Terminate Deadlines and Hearings as to Luis Alberto Hernandez-Garcia:
















		(csustaeta, ) (Entered: 11/27/2012)
11/27/2012	<a href="#"><u>44</u></a>	PLEA AGREEMENT as to Luis Alberto Hernandez-Garcia, filed. (bcampos, ) (Entered: 11/27/2012)
11/27/2012	<a href="#"><u>47</u></a>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Luis Alberto Hernandez-Garcia. PSI Completion due by 1/14/2013 Objection to PSI due by 1/28/2013 Final PSI due by 2/11/2013 Sentencing set for 3/4/2013 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen( Signed by Judge Andrew S. Hanen) Parties notified. (bcampos, ) (Entered: 11/27/2012)
11/27/2012	<a href="#"><u>48</u></a>	Proposed Voir Dire by Federico De La Cruz as to Federico De La Cruz, Luis Alberto Hernandez-Garcia, filed. (Dominguez, Alejandro) (Entered: 11/27/2012)
01/28/2013	 <a href="#"><u>52</u></a>	Objection to Presentence Investigation Report (Sealed) by Luis Alberto Hernandez-Garcia, filed. (Entered: 01/28/2013)
02/11/2013	 <a href="#"><u>56</u></a>	Final Presentence Investigation Report (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (ncolchado, ) (Entered: 02/11/2013)
02/11/2013	 <a href="#"><u>57</u></a>	Sealed Attachment to <a href="#"><u>56</u></a> Final Presentence Investigation Report (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (ncolchado, ) (Entered: 02/11/2013)
02/11/2013	 <a href="#"><u>58</u></a>	Sealed Addendum to <a href="#"><u>56</u></a> Final Presentence Investigation Report (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (ncolchado, ) (Entered: 02/11/2013)
02/11/2013	 <a href="#"><u>59</u></a>	Confidential Sentencing Recommendation(Sealed) regarding Luis Alberto Hernandez-Garcia, filed. (ncolchado, ) (Entered: 02/11/2013)
02/15/2013	<a href="#"><u>61</u></a>	Statement by USA as to Luis Alberto Hernandez-Garcia <i>of no objections to PSR</i> , filed. (Castro, Angel) (Entered: 02/15/2013)
02/27/2013	<a href="#"><u>62</u></a>	NOTICE OF RESETTING as to Federico De La Cruz, Luis Alberto Hernandez-Garcia. Sentencing set for 3/4/2013 at 09:30 AM in Courtroom 6 before Judge Andrew S. Hanen, NOTE: TIME CHANGE ONLY. filed. (csustaeta, ) (Entered: 02/27/2013)
02/27/2013	<a href="#"><u>64</u></a>	NOTICE OF RESETTING as to Luis Alberto Hernandez-Garcia. Sentencing set for 3/4/2013 at 09:30 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (mperez, ) (Entered: 02/27/2013)
03/04/2013	 <a href="#"><u>67</u></a>	Sealed Event, filed. (With attachments) (Entered: 03/04/2013)
03/04/2013		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances:A.Castro, AUSA; H.Garza, Atty f/left; M.Garcia, USPO(duty);(Court Reporter: Barbara Barnard);(Interpreter:K.Pena)(09:35-09:36) SENTENCING HELD in PART on 3/4/2013 as to Luis Alberto Hernandez-Garcia. <a href="#"><u>67</u></a> Sealed Event-GRANTED. Sentencing continued to 05/14/13 at 8:30 am. Deft remanded to the custody of the USM., filed.(csustaeta, ) (Entered: 03/04/2013)
03/04/2013		ORAL ORDER as to Luis Alberto Hernandez-Garcia GRANTING <a href="#"><u>67</u></a> Sealed Event (by Judge Andrew S. Hanen) Parties notified. (csustaeta, ) (Entered: 03/04/2013)
03/04/2013		***Set/Reset Hearings as to Luis Alberto Hernandez-Garcia: Sentencing set for 5/14/2013 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen. (csustaeta, ) (Entered: 03/04/2013)
04/17/2013	<a href="#"><u>69</u></a>	NOTICE OF RESETTING as to Luis Alberto Hernandez-Garcia. Sentencing set for 5/2/2013 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen, filed. (csustaeta, ) (Entered: 04/17/2013)
05/01/2013	<a href="#"><u>72</u></a>	Unopposed MOTION to Continue Sentencing by USA as to Luis Alberto Hernandez-





		Garcia, filed. (Attachments: # <a href="#">1</a> Proposed Order)(Castro, Angel) (Entered: 05/01/2013)
05/01/2013	<a href="#">73</a>	ORDER granting <a href="#">72</a> Motion for Continuance as to Luis Alberto Hernandez-Garcia (2) Sentencing set for 6/3/2013 at 08:30 AM in Courtroom 6 before Judge Andrew S. Hanen.(Signed by Judge Andrew S. Hanen.) Parties notified.(mperez, ) (Entered: 05/01/2013)
06/03/2013	 <a href="#">77</a>	Sealed Event, filed. (With attachments) (Entered: 06/03/2013)
06/03/2013		Minute Entry for proceedings held before Judge Andrew S. Hanen: Appearances: A.Castro, AUSA; H.Garza, AFPD f/deft; G.Manriquez, USPO;(Court Reporter: Barbara Barnard);(Interpreter:R.Del Villar Jr.)(10:06-10:36) SENTENCING held on 6/3/2013 as to Luis Alberto Hernandez-Garcia.(P/G to Ct.2 on 11/27/12 and Ct.3 on 08/28/12) Deft sworn in. Upon recommendations of the Govt, Court grants additional point for acceptance. <a href="#">77</a> Sealed Event-GRANTED. The need for the sentence imposed-To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense. Court adopts PSI findings. SENTENCE: Federico De La Cruz (1), Count(s) 1, Dismissed on Govts Motion-GRANTED.; Count (s) 2, CBOP: 140 months; SRT: 5 yrs w/o supervision; SA: \$100 remitted, Fine waived.; Count(s) 3, CBOP: 140 months; SRT: 4 yrs w/o supervision; SA: \$100 remitted, Fine waived. BOP and SRT to run concurrently. Deft shall cooperate in collection of DNA sample. Deft not to re-enter U. S. Illegally. RECOMMENDATION TO BOP: Placement at/or near: Houston Texas. Comprehensive drug program. Deft remanded to the custody of USM.,, filed.(csustaeta, ) Modified on 6/4/2013 corrected name of Deft (csustaeta, ). (Entered: 06/03/2013)
06/03/2013		ORAL ORDER as to Luis Alberto Hernandez-Garcia GRANTING <a href="#">77</a> Sealed Event (by Judge Andrew S. Hanen) Parties notified. (csustaeta, ) (Entered: 06/03/2013)
06/03/2013		**Terminate Deadlines and Hearings as to Luis Alberto Hernandez-Garcia: (csustaeta, ) (Entered: 06/03/2013)
06/12/2013	<a href="#">79</a>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Luis Alberto Hernandez-Garcia,filed.(Garza, Hector) (Entered: 06/12/2013)
06/12/2013	 <a href="#">80</a>	Sealed Event, filed. (With attachments) (Entered: 06/12/2013)
06/13/2013	<a href="#">81</a>	Notice of the Filing of an Appeal as to Luis Alberto Hernandez-Garcia. DKT13 transcript order form was not mailed to appellant. Fee status: GOV. The following Notice of Appeal and related motions are pending in the District Court: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(dnoriega, ) (Entered: 06/13/2013)
06/16/2013	<a href="#">82</a>	JUDGMENT as to Luis Alberto Hernandez-Garcia ( Signed by Judge Andrew S. Hanen) Parties notified. (jtabares, ) (Entered: 06/17/2013)
06/16/2013	 <a href="#">83</a>	Statement of Reasons (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (Entered: 06/17/2013)
06/17/2013	<a href="#">84</a>	Notice of Assignment of USCA No. 13-40669 as to Luis Alberto Hernandez-Garcia re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(sbejarano, ) (Entered: 06/17/2013)
06/17/2013	 <a href="#">85</a>	Sealed Order, filed. (Entered: 06/17/2013)
06/17/2013		Attorney update in case as to Luis Alberto Hernandez-Garcia. Attorney Philip T Cowen for Luis Alberto Hernandez-Garcia added. Attorney Hector F Garza and Marjorie A Meyers terminated. (avleal, ) (Entered: 06/17/2013)
06/21/2013	<a href="#">86</a>	MOTION to Withdraw Plea of Guilty by Federico De La Cruz as to Federico De La Cruz, Luis Alberto Hernandez-Garcia, filed. (Dominguez, Alejandro) (Entered: 06/21/2013)



06/23/2013		<a href="#">87</a>	Sentencing Memorandum (Sealed) by Federico De La Cruz as to Federico De La Cruz, Luis Alberto Hernandez-Garcia, filed. (Entered: 06/23/2013)
06/25/2013		<a href="#">90</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Initial Appearance held on 3/7/12 before Judge Felix REcio Court Reporter/Transcriber: Transcriber. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) <b>electronically forwarded to GLR 6/26/2013</b> Modified on 6/26/2013 (sbejarano, ). (Entered: 06/25/2013)
06/25/2013		<a href="#">91</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Luis Alberto Hernandez-Garcia held on 3/12/12 before Judge Felix Recio Court Reporter/Transcriber: Transcriber. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) <b>Electronically forwarded to GLR 6/26/2013</b> Modified on 6/26/2013 (sbejarano, ). (Entered: 06/25/2013)
06/25/2013		<a href="#">92</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Motion Hearing held on 4/12/12 before Judge Ronald G. Morgan Court Reporter/Transcriber: Transcriber. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) <b>Electronically forwarded to GLR 6/26/2013</b> Modified on 6/26/2013 (sbejarano, ). (Entered: 06/25/2013)
06/25/2013		<a href="#">93</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Pretrial Conference held on 4/24/12 and 6/26/12 before Judge Andrew S. Hanen Court Reporter: Barbara Barnard. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) (Entered: 06/25/2013)
06/25/2013		<a href="#">94</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript Pretrial Conference held on 7/31/12 and Re-Arraignment held on 8/28/12 before Judge Andrew S. Hanen Court Reporter/Transcriber: Barbara Barnard. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) (Entered: 06/25/2013)
06/25/2013		<a href="#">95</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Pretrial Conference held on 9/25/12 before Judge Andrew S. Hanen Court Reporter/Transcriber: Transcriber. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) <b>Electronically forwarded to GLR 6/26/2013</b> Modified on 6/26/2013 (sbejarano, ). (Entered: 06/25/2013)
06/25/2013		<a href="#">96</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Re-Arraignment held on 11/27/12 before Judge Andrew S. Hanen Court Reporter/Transcriber: Transcriber. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) <b>Electronically forwarded to GLR 6/26/2013</b> Modified on 6/26/2013 (sbejarano, ). (Entered: 06/25/2013)
06/25/2013		<a href="#">97</a>	DKT-13 TRANSCRIPT ORDER FORM by Luis Alberto Hernandez-Garcia. This is to order a transcript of: Sentencing held in part held on 3/4/13 and Sentencing held on 6/3/13 before Judge Andrew S. Hanen Court Reporter: Barbara Barnard. This order form relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence,filed.(jtabares, ) (Entered: 06/25/2013)
07/09/2013		<a href="#">99</a>	Notice of Filing of Official Transcript as to 98 Transcript - Appeal,. Party notified, filed. (dahumada, ) (Entered: 07/09/2013)
07/16/2013		<a href="#">101</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Sentencing held on 3/4/13 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">97</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for

		10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/16/2013	 <a href="#">102</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Sentencing held on 6/3/13 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">97</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/16/2013	 <a href="#">103</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Pretrial conference held on 7/31/12 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">94</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/16/2013	 <a href="#">104</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Rearrangement held on 8/28/12 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">94</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/16/2013	 <a href="#">105</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Pretrial conference held on 4/24/12 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">93</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/16/2013	 <a href="#">106</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: Pretrial conference held on 6/26/12 before Judge Andrew S. Hanen. Court Reporter/Transcriber Barbara Barnard. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">93</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/15/2013., filed. (bbarnard, ) (Entered: 07/16/2013)
07/17/2013	<a href="#">107</a>	Notice of Filing of Official Transcript as to <a href="#">104</a> Transcript - Appeal, <a href="#">103</a> Transcript - Appeal, <a href="#">106</a> Transcript - Appeal, <a href="#">101</a> Transcript - Appeal, <a href="#">105</a> Transcript - Appeal, <a href="#">102</a> Transcript - Appeal. Party notified, filed. (rnieto) (Entered: 07/17/2013)
07/25/2013	 <a href="#">111</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: INITIAL APPEARANCE held on 3-7-12 before Magistrate Judge Felix Recio. Court Reporter/Transcriber GLR. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">90</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/23/2013., filed. (gwreed, ) (Entered: 07/25/2013)
07/25/2013	 <a href="#">112</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: ARRAIGNMENT / DETENTION HEARING held on 3-12-12 before Magistrate Judge Felix Recio. Court Reporter/Transcriber GLR. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">91</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/23/2013., filed. (gwreed, ) (Entered: 07/25/2013)
07/25/2013	 <a href="#">113</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: MOTION HEARING held on 4-12-12 before Magistrate Judge Ronald G. Morgan. Court Reporter/Transcriber GLR. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">92</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/23/2013., filed. (gwreed, ) (Entered: 07/25/2013)
07/25/2013	 <a href="#">114</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: MOTION HEARING held on 9-25-12 before Judge Andrew S. Hanen. Court Reporter/Transcriber GLR. This transcript relates to the following: <a href="#">79</a> Notice of Appeal - Judgment and Sentence, <a href="#">95</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/23/2013., filed. (gwreed, ) (Entered: 07/25/2013)

07/25/2013	 <a href="#">115</a>	APPEAL TRANSCRIPT as to Luis Alberto Hernandez-Garcia re: REARRAIGNMENT held on 11-27-12 before Judge Andrew S. Hanen. Court Reporter/Transcriber GLR. This transcript relates to the following: <a href="#">96</a> Transcript Order Form - DKT-13,. Release of Transcript Restriction set for 10/23/2013., filed. (gwreed, ) (Entered: 07/25/2013)
07/26/2013	<a href="#">116</a>	Notice of Filing of Official Transcript as to <a href="#">112</a> Transcript - Appeal, <a href="#">115</a> Transcript - Appeal, <a href="#">113</a> Transcript - Appeal, <a href="#">114</a> Transcript - Appeal, <a href="#">111</a> Transcript - Appeal,. Party notified, filed. (sbejarano, ) (Entered: 07/26/2013)
07/26/2013		Electronic record on appeal certified to Fifth Circuit Court of Appeals as to Luis Alberto Hernandez-Garcia re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence. USCA No. 13-40669,filed.(sbejarano) (Entered: 07/26/2013)
07/26/2013	<a href="#">117</a>	Transmittal Letter on Appeal Certified re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals in 1 volumes. (USCA No. 13-40669),filed.(sbejarano, ) (Entered: 07/26/2013)
07/26/2013	<a href="#">118</a>	Transmittal Letter on Appeal Certified re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence. CDs containing the electronic record are being sent to Appellants Counsel: Philip Cowen, and the Appellate Division. (USCA No. 13-40669),filed.(sbejarano) (Entered: 07/26/2013)
07/30/2013	<a href="#">119</a>	USCA LETTER advising court reporter D. Ahumada, ERO; S. Bejarano, ERO; R. Nieto, ERO; D. Noriega, ERO; M. Perez, ERO the transcript must be filed with the District Court Clerk within 30 days from the date the USCA received the purchase order as to Luis Alberto Hernandez-Garcia ( USCA No: 13-40669),filed.(mperez, ) (Entered: 07/30/2013)
09/06/2013	<a href="#">128</a>	Request for Electronic Copy of Certified Record on Appeal as to Luis Alberto Hernandez-Garcia re <a href="#">79</a> Notice of Appeal - Judgment and Sentence ,filed.(Cowen, Philip) (Entered: 09/06/2013)
09/09/2013	<a href="#">129</a>	CD Request: Response CD Mailed to Phillipe Cowen on 09/09/2013 Certified Record on Appeal as to Luis Alberto Hernandez-Garcia re: <a href="#">128</a> Request for Record,filed. (dahumada, 1) (dahumada, 1). (Entered: 09/09/2013)
09/09/2013		Appeal CD mailed to Phillip Cowen on 09/09/2013 as to Luis Alberto Hernandez-Garcia:, filed. (dahumada, 1) (Entered: 09/09/2013)
10/15/2013	 <a href="#">132</a>	Sealed Event, filed. (Entered: 10/15/2013)
12/18/2013	 <a href="#">135</a>	Sealed Event, filed. (Entered: 12/18/2013)
08/18/2014	<a href="#">143</a>	Order of USCA - JUDGMENT (copy) as to Luis Alberto Hernandez-Garcia re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence; USCA No. 13-40669, AFFIRMING the sentence imposed by the District Court, filed. (rnieto, 1) (Entered: 08/18/2014)
08/18/2014	<a href="#">144</a>	Order of USCA - PER CURIAM (copy) as to Luis Alberto Hernandez-Garcia re: <a href="#">79</a> Notice of Appeal - Judgment and Sentence; USCA No. 13-40669, AFFIRMED, filed. (rnieto, 1) (Entered: 08/18/2014)
06/23/2016	 <a href="#">146</a>	Sealed Addendum to <a href="#">56</a> Final Presentence Investigation Report (Sealed) as to Luis Alberto Hernandez-Garcia, filed. (mccastillo, 1) (Entered: 06/23/2016)
06/28/2016	<a href="#">148</a>	ORDER as to Luis Alberto Hernandez-Garcia. The Court appoints Hector F. Garza to represent defendant in this proceeding. A motion to award the two-point reduction to the offense level shall be filed by 7/22/2016. The court directs the clerk of court to provide a copy of this order to the US Attorney's Office in Brownsville, as well as

		counsel for defendant. ( Signed by Judge Andrew S Hanen) Parties notified. (dnoriega, 1) (Entered: 06/29/2016)
07/08/2016	 <a href="#">152</a>	Certified Mail Receipt Returned as to Luis Alberto Hernandez-Garcia, executed on 7/5/2016 re: <a href="#">150</a> Document(s) Sent - receipt attached, access restricted to court users for privacy reasons -, filed. (avleal, 1) (Entered: 07/08/2016)
07/11/2016	 <a href="#">153</a>	Certified Mail Receipt Returned as to Federico De La Cruz, Luis Alberto Hernandez-Garcia re: 151 Document(s) Sent - receipt attached, access restricted to court users for privacy reasons -, filed. (dnoriega, 1) (Entered: 07/11/2016)
07/20/2016	 <a href="#">155</a>	Sealed Event, filed. (Entered: 07/20/2016)
08/23/2016	<a href="#">159</a>	ORDER DENYING Reduction of Sentence as to Luis Alberto Hernandez-Garcia (2). ( Signed by Judge Andrew S Hanen) Parties notified. (dnoriega, 1) (Entered: 08/24/2016)
09/01/2016	 <a href="#">163</a>	Certified Mail Receipt Returned as to Luis Alberto Hernandez-Garcia, executed on 8-29-16 re: <a href="#">161</a> Document(s) Sent - receipt attached, access restricted to court users for privacy reasons, filed. (rnieto, 1) (Entered: 09/01/2016)
09/19/2016	<a href="#">165</a>	Unopposed MOTION for Extension of Time to File Notice of Appeal by Luis Alberto Hernandez-Garcia, filed. (Attachments: # <a href="#">1</a> Proposed Order)(Garza, Hector) (Entered: 09/19/2016)
09/20/2016	<a href="#">166</a>	ORDER granting <a href="#">165</a> Motion for Extension of Time to File Notice of Appeal as to Luis Alberto Hernandez-Garcia (2).Therefore, it is ordered that the time for Defendant to file his notice of appeal in this case is extended for thirty days in accordance with Fed. R.Appp.4(b). This order should not be taken as a ruling as to the propriety of such appeal. (Signed by Judge Andrew S Hanen.) Parties notified.(jtabares, 1) (Entered: 09/20/2016)
09/21/2016	<a href="#">167</a>	NOTICE OF APPEAL to US Court of Appeals for the 5th Circuit by Luis Alberto Hernandez-Garcia,filed.(Cowen, Philip) (Entered: 09/21/2016)
09/21/2016	<a href="#">168</a>	DKT13 TRANSCRIPT ORDER REQUEST by Philip Cowen as to Luis Alberto Hernandez-Garcia. Transcript is unnecessary for appeal purposes This order form relates to the following: <a href="#">167</a> Notice of Appeal - Judgment and Sentence,filed.(Cowen, Philip) (Entered: 09/21/2016)
09/22/2016	<a href="#">169</a>	Clerks Notice of Filing of an Appeal as to Luis Alberto Hernandez-Garcia. The following Notice of Appeal and related motions are pending in the District Court: <a href="#">167</a> Notice of Appeal - Judgment and Sentence. Fee status: CJA,filed. (Attachments: # <a href="#">1</a> Notice of Appeal, # <a href="#">2</a> Docket Sheet) (dbenavides, 1) (Entered: 09/22/2016)
09/22/2016		Appeal Review Notes as to Luis Alberto Hernandez-Garcia re: <a href="#">167</a> Notice of Appeal - Judgment and Sentence. Fee status: CJA. This defendant is represented by appointed counsel (CJA attorney or Federal Public Defender).Hearings were held in the case - transcripts were produced.,filed.(dbenavides, 1) (Entered: 09/22/2016)
09/27/2016	<a href="#">170</a>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Luis Alberto Hernandez-Garcia,filed.(Garza, Hector) (Entered: 09/27/2016)
09/28/2016		NOTICE OF ATTORNEY APPEARANCE Marjorie A Meyers, Federal Public Defender, in case as to Luis Alberto Hernandez-Garcia, filed.(Meyers, Marjorie) (Entered: 09/28/2016)